

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 714 – SB 679**

May 12, 2009

**SUMMARY OF AMENDMENTS (007003, 007440):** Amendment 007003 deletes the language of the original bill; rewrites multiple provisions regarding the offense of criminal trespass, including but not limited to, instances where consent is inferred and the addition of declaration stating that entering or remaining on railroad or utility right-of-way property for usual and customary agricultural activity by an adjoining landowner shall not be considered trespass. Amendment 007440 prohibits any local government from reducing the duties, qualifications, or privileges of the constitutional county offices of sheriff, register of deeds, county clerk, property assessor, or trustee within the local government's charter; however a charter may increase the duties of such constitutional offices if such additional duties are consistent with state law.

**FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact - This bill will put the state in non-compliance with the federal *Motor Carrier Safety Act*. Current federal law requires notification to occur within ten days. The first-year penalty for non-compliance is five percent of federal-aid highway funds. At current funding levels, it is estimated that the state would lose \$19,698,600 in federal-aid highway funds for FY09-10. The penalty for second and subsequent fiscal years is ten percent of federal-aid highway funds. At current funding levels, this is estimated to be \$39,397,200 for FY10-11 and each subsequent fiscal year thereafter.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**State Revenue – Net Impact - Not Significant**

**State Expenditures – Net Impact - Not Significant**

**Local Revenue – Net Impact - Not Significant**

**Local Expenditures – Net Impact - Not Significant**

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Assumptions applied to amendments:

- The offense of criminal trespass remains a Class C misdemeanor.
- There will not be a sufficient change to the number of prosecutions for state or local government to experience any significant change to revenue or expenditures.
- Prohibiting a local government from amending its charter to reduce the duties, qualifications, or privileges of the constitutional county offices specified will not impact local government expenditures because such duties, qualifications, or privileges would remain constant at current levels.
- If the duties of constitutional county offices are increased, expenditures for those respective offices are likely to increase. However, expenditures in other areas of local government are likely to decrease as a result of reassigning such duties to the constitutional county offices. Therefore, increasing the duties of constitutional county offices is not expected to result in any significant net change to local government expenditures.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rnc